

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, AUGUST 19, 2008**

The City Council of the City of Leon Valley, Texas, met on the 19<sup>th</sup> day of August 2008 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**REGULAR CITY COUNCIL MEETING - 700 P.M.**

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**Call to order and Pledge of Allegiance.**

Mayor Riley called the meeting to order at 7:04 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige, Dean, and Nelson.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, City Accountant Wallace, Public Works Director Vick, Assistant Public Works Director Stolz, Library Director Trent, and City Attorney McKamie were also present.

Mayor Riley welcomed Boy Scouts Timothy and David Dayton from Troop 17 of St. Brigid's Church and who were working on their "Citizenship in the Community" and "Communication" badges. She asked them to come forward and to lead the assembled group in the Pledge of Allegiance.

**Presentation of "Good Neighbor Award" to Scout Christopher Rodriguez for his  
community service work on park facilities at the Raymond Rimkus Park (Mayor Riley).**

Mayor Riley announced that a "Good Neighbor Award" was being presented to Scout Christopher Rodriguez, to publically thank him for his work in power washing picnic tables and repainting tables in the Raymond Rimkus Park. Mr. Rodriguez was not in attendance and Mayor Riley stated that if Mr. Rodriguez arrived, she would then present the award.

**Citizens to be heard and time for objections to the Consent Agenda.**

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed from that agenda for further discussion. She asked that Consent Agenda Item #8 - "Consider action on M&C # 08-07-08 - a request to renew the current agreement for Legal Services (City Attorney) with the Law Offices of William M. McKamie, P.C. (Law Firm), for a one year period" be removed from the Consent Agenda and moved to after the Council Announcements and into an executive session at the end of the meeting. Hearing no other requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

City Manager Lambert introduced the City's new Economic Development Director, Rose Ryan, who would be starting work on September 2, 2008. He stated that Ms. Ryan comes to Leon Valley with 37 years of experience in private and public industry and has already been responsible for over \$100,000 in grant revenue as a volunteer for the City. Rose Ryan addressed Council stating that she grew up here and has a vested interest in the area and looks forward to working with the City and working on sustainability issues with the City. Everyone welcomed Ms. Ryan.

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Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

**Consent Agenda**

**Consider approval of minutes of the Special City Council Workshop August 2, 2008, 2008, the Regular City Council Meeting of August 5, 2008 (Feutz).**

**Consider action on M&C # 08-05-08 - a request to award bid for the 2008 Bituminous Slurry Seal Project and authorize the City Manager to execute a contract with Viking Construction Inc. (Vick).**

**Consider action on Ordinance # 08-037 - a request to approve the appointment of a member to the Earthwise Living Committee (B. Woodworth) (Mayor Riley).**

**Consider action on M&C # 08-06-08 - a request to terminate current contract for medical direction and continuing education services with the University of Texas Health Science Center - San Antonio (UTHSC-SA) and authorize the City Manager to enter into a new contract for same services with Dr. Donald Gordon, M.D., Ph.D. (Chief Irwin).**

**Consider action on M&C # 08-08-08 with attached ordinance - a request to approve the FY 2009 water and sanitary sewer rate increases (Stolz).**

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the Consent Agenda Items 4, 5, 6, 7, and 9 as presented and listed above. Upon unanimous vote, Mayor Riley announced that the motion carried and the Consent Agenda items 4, 5, 6, 7, and 9 were approved.

**Regular Agenda**

**Public hearing on the proposed Fiscal Year 2009 Budget (Lambert).**

City Manager Lambert presented slides and information on the expected revenue and expenditures for FY 2009. Mr. Lambert announced that the slurry seal bid prices received were so good that staff and the engineers would ask for a contract amendment to bring back to Council to do more slurry seal work this year. Edward De La Garza, City Engineer, explained that they had planned for a higher price with the increased petroleum product prices and the bid prices came at a lower cost than he had estimated; therefore, the savings could be used for additional slurry seal work with a contract amendment.

Mr. Lambert presented the proposed FY 2009 Budget for the City and stating that there would be no increase in the proposed ad valorem tax rate. He explained the proposed expenditures and revenues for the General Fund, Enterprise Fund, Community Center Fund, Street Maintenance Sales Tax, and Special Revenue Funds. He highlighted that the proposed budget included a 4% Cost of Living Adjustment (COLA) for employees, increases in the group health insurance rate and in the worker's compensation, property and liability insurances and in the

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retirement costs. He reviewed expenditures planned to add the full time Code Enforcement Officer to continue in FY 2009, included increases in anticipated fuel costs and a debt payment toward the new fire truck. Mr. Lambert reminded Council that \$200,000 was also transferred from street maintenance and added to a Council Project line item. He noted that street maintenance sales tax would replace those funds to the street maintenance program and that any expenditures to the Council Project line item must first be approved by City Council.

Mr. Lambert presented the 2008 Tax Picture with a calculated effective tax rate of \$0.515265, which is an increase of \$0.012135, and he presented the rollback tax rate of \$0.547550, which is \$0.020150 less than what the City's proposed tax rate for 2008. Mr. Lambert explained that the proposed tax rate takes into account the increased average home value in Leon Valley of \$122,405, an increase of \$5,411 over 2007, and which will yield increased taxes based on that value of \$28.54 in 2008.

The City Manager summarized the anticipated revenues by source and expenditures for each department for personnel services, supplies, contractual services and capital expenditures. He presented comparisons of surrounding cities on water and sewer rates and presented how the proposed budget included a 3% metered water increase, a 3% water supply and Edwards Aquifer Authority fee increase, and a 3% sewer rate increase. He stated that the average increases for all three water/sewer rate changes should be approximately \$1.43 monthly.

Mayor Riley opened the public hearing at 7:50 p.m. and invited anyone from the audience to address Council.

Resident Nancy Marin expressed her disappointment that more of the \$200,000 that was formerly used for street maintenance, but which was now proposed to be included in a Council Project Fund, was not transferred into the Economic Development Department's budget specifically for economic development. Councilmembers discussed wanting to wait until after the results of the Sustainable Design Assessment Team (SDAT) study and that they did not plan for all of the \$200,000 to be used for economic development. Council also stated that possibly some hotel/motel tax could be used for some economic development projects in the future.

Seeing no one else come forward to speak on the proposed FY 2009 budget, Mayor Riley closed the public hearing at 8:00 p.m.

**Consider action on M&C # 08-09-08 with attached Ordinance - a request for approval and adoption of the proposed Fiscal Year 2009 Budget (Lambert).**

A motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve and adopt the proposed Fiscal Year 2009 Budget as presented. A roll call vote was recorded at: Manea, Reyna, Baldrige, Dean, and Nelson for the motion and no one against the motion. Mayor Riley announced the motion carried and the FY 2009 Budget was approved by a vote of 5 to 0.

**Consider action on M&C # 08-10-08 with attached Ordinance - a request for a vote to ratify the FY 2009 Budget that will raise more total property taxes than last year's budget by \$176,813 or 6.23%, and of that amount \$57,900 is tax revenue to be raised from new**

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**property added to the roll this year (Wallace).**

City Accountant Wallace informed Council that House Bill 3195 was enacted in the last legislative session and it requires that in order for a budget to be adopted that will require raising more revenue from property taxes than in the previous year, a separate vote of the governing body is required to ratify the property tax increase reflected in the budget.

A motion was made by Councilman Manea, seconded by Councilmember Baldridge, to ratify the FY 2009 Budget that will raise more total property taxes than last year's budget by \$176,813 or 6.23% and of that amount \$57,900 is tax revenue to be raised from new property added to the roll this year. Upon unanimous vote for the motion, Mayor Riley announced the motion carried.

**Consider action on M&C # 08-11-08 - a request for a vote for placement of proposal to adopt the City's 2008 tax rate on the agenda of September 16, 2008, Council Meeting at a rate of \$.527400/\$100 valuation, which is the same tax rate as last year (Wallace).**

Mayor Riley read the agenda headline and asked for Council's vote to place a proposal to adopt the City's 2008 tax rate on the agenda for the September 16, 2008 City Council Meeting at a rate of \$.527400 per \$100 valuation, which is the same tax rate as last year. Mayor Riley announced that a roll call vote would be taken for Council's action.

A motion was made by Councilman Manea, seconded by Councilman Reyna, to approve the placement of a proposal to adopt the City's 2008 tax rate on the agenda for the September 16, 2008 City Council meeting at a rate of \$.527400 per \$100 valuation, which is the same rate as last year. A roll call vote was recorded as: Manea, Reyna, Baldridge, Dean and Nelson for the motion, and no one against the motion. Mayor Riley announced the motion carried by a vote of 5 to 0.

**Consider action on M&C # 08-12-08 - a request to call for public hearings on September 2 and September 9, 2008, at 7:00 p.m. in the City Council Chambers on the proposed 2008 tax rate of \$.527400 per \$100 valuation, which is the same tax rate as last year (Wallace).**

Mayor Riley asked for Council's consideration to call for public hearings on September 2 and September 9, 2008 at 7:00 p.m. in the City Council Chambers on the proposed 2008 tax rate of \$.527400 per \$100 valuation, which is the same tax rate as last year.

A motion was made by Councilmember Baldridge, seconded by Councilmember Dean, to call for public hearings on September 2, 2008 and September 9, 2008 at 7:00 p.m. in the City Council Chambers on the proposed 2008 tax rate of \$.527400 per \$100 valuation, which is the same tax rate as last year. A roll call vote was recorded as: Manea, Reyna, Baldridge, Dean and Nelson for the motion, and no one against the motion. Mayor Riley announced the motion carried by a vote of 5 to 0.

**Consider action on M&C # 08-13-08 - a request for Council's final approval for purchase of a 114-foot platform Quint fire apparatus and related equipment from Hallmark Fire Apparatus-Texas through Houston-Galveston Area Council Contract in the amount of \$999,937 (Chief Irwin).**

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Fire Chief Irwin addressed Council explaining that the new fire vehicle, an E-One 114' Cyclone II Bronto Skylift Quint Platform apparatus was proposed for final purchase approval through the Houston-Galveston Area Council Contract at a final contract price of \$999,937. He stated that the new apparatus will replace an existing a 1981 American LaFrance 75-foot quint fire apparatus, which is scheduled for replacement this year. Chief Irwin stated that the delivery of the completed vehicle is anticipated in June or July 2009. He stated that the vehicle bid price of \$988,000 plus additional equipment for the apparatus in the amount of \$5,953, and the \$5,984 for the Performance Bond and the H-GAC fees brought the price up to \$999,937.

City Manager Lambert explained that financing proposals are being solicited to consider a lease-purchase, Certificates of Obligation, or other funding vehicles to see what would be most advantageous to the City.

Chief Irwin also stated that the TCEQ grant program is now refunded and when the grant program is announced again, the grant would pay the City to take the old 1981 apparatus off the road and thus reduce the aging vehicle's environmental pollution impact. He stated that the apparatus could become park art or a play sculpture.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilmember Nelson, to approve the purchase of a 114-foot platform Quint fire apparatus and related equipment from Hallmark Fire Apparatus-Texas through the Houston -Galveston Area Council Contract in the amount of \$999,937, as presented. Upon unanimous vote for the motion, Mayor Riley announced the motion carried.

**Consider action on M&C # 08-14-08 with attached ordinance - a request to repeal and replace City Code Chapter 32 "Schedule of Fees", Section 32.1900 "Emergency Medical Service Fees", creating a new Section 32.1900 "Emergency Medical Service Fees" to increase fees and to add new charges for service (Chief Irwin).**

Fire Chief Irwin presented to Council a synopsis of comparisons between the City of Leon Valley and the cities of San Antonio, Alamo Heights, Kirby, Sequin, New Braunfels, Shavano Park, and Kendall County and Schertz EMS in regards to EMS service base rates, comparisons on resident service rates versus non-resident rates, and adding charges for mileage and supplies used in EMS calls. Chief Irwin provided information on the limits that Medicare/Medicaid will pay and stated that they will pay for routine Advanced Life Support and Basic Life Support disposable supplies as well as mileage.

He presented statistics indicating that the City of Leon Valley's rate of \$400 was considerably below the average rate of \$570.64, charged by other area public entities for Basic Life Support EMS services. Chief Irwin presented his proposal to increase rates for milage, but to keep increases in base rates charged to residents below the average rates charged elsewhere in the area. He also presented the non-resident base rates which would also increase from the current base rates by a higher percentage than the increases proposed for service to residents. Chief Irwin also reviewed for Council the proposed charges for additional medics to attend to EMS cases, new charges for IV services, drugs, and ALS and BLS supplies. He estimated that if the data derived from projections based on FY 07 EMS run data were used again, he anticipated additional revenue of approximately \$60,900 per year with the new rates, taking into account for a 50% collection rate, deductions for Medicare and Medicaid caps, and increased

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billing costs.

Councilmembers expressed concern for the 50% collection rate and recommended that staff investigate using a legal firm to recoup more revenue for billed services. Chief Irwin informed Council that the national collection rate for EMS services is 50%. Discussion continued about the City's history of accepting Medicare/Medicaid assignment for EMS services. The City Attorney stated that when contracts were made for Medicare assignment in the 1980's, collection rates were 40%. Mr. McKamie also provided clarification that resident and non-resident fees are allowed, as the tax payers have invested in the EMS system; therefore, as equity owners, they are entitled to charge those who have not invested in the system a higher rate for the services.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the request to repeal and replace Chapter 32, Section 32.1900 "Emergency Medical Service Fees" and increasing fees and adding new charges for service as recommended by Chief Irwin. Upon unanimous vote, Mayor Riley announced the Ordinance was approved.

**Discussion Agenda**

**Discussion of the use of the City Calendar on the city's web page for community-wide activities by Leon Valley community groups (Councilman Manea).**

Councilman Manea recommended that community activities be allowed to advertise on the City's website community calendar. He suggested that events hosted by local groups hosted in our City such as: Rotary events, Chamber of Commerce, Historical Society of Leon Valley, and Forest Oaks Garden Club activities be included. He stated that the Community Calendar would promote our City by perhaps including events happening in our City and activities hosted by non-profit groups in Leon Valley.

Councilman Dean complimented the City Manager and the Police Chief for rescuing two stray dogs, over the weekend when the Animal Control officer was not available. He also thanked the staff member who agreed to house the animal. A recommendation was made that the City's website be used to list animals up for adoption at our animal confinement facilities.

City Attorney McKamie stated that he preferred not to do anything formal on a website advertising policy and stated that by creating a formal policy as to who will be allowed to advertise on the City's website, may produce unwanted results. Non-profit groups based locally may be considered, but he also recommended the City add some disclaimer language he will send that should be added to the City's website. Mr. McKamie also stated that the City could decide who they wished to partner with or not for website advertising, as partners with the City. He stated that as City partners, the City recognizes partners who perform a public purpose that the City also performs or wishes to see performed and that the key is finding that they are performing a public purpose. He also stated that he can provide some guidelines for the City's website use.

Mayor Riley also asked that the issue be brought back to Council for discussion again later and discussion will also include the actual website management/layout as some members of Council

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felt that the tabs were difficult to use on the website.

**Discussion on a proposed pedestrian crossing (ADA ramp and crosswalk) on Poss Road from Peachtree to the Raymond Rimkus Park bridge (Councilmember Nelson).**

Councilmember Nelson led the discussion stating that many people cross Poss Road at Peachtree, near the Grass Valley Pool area, and providing a crosswalk and a sign to alert drivers that pedestrians are in the area will serve to protect our citizens and park visitors. She stated that with the proposed construction project for Poss Road scheduled for 2009, she recommends that the striping and some signage be done now. She also recommended that the same striping and signs be placed by the Library Annex at Poss and Evers Roads.

Public Works Director Vick provided additional comments regarding ADA ramp construction for sidewalks bordering the area and prior to the Poss Road reconstruction project scheduled for 2009. He also recommended that some striping be done with in-house staff to save the City money, but he stated that a large sewer project already scheduled will take staff's time for about the next 60 days. The City Manager and Mr. Vick recommended that the ADA ramps, sidewalk reconstruction, and any solar-powered signage be looked at for the 2009 Poss Road reconstruction project.

**Discussion on a Community Shredding Event (Feutz/Mayor Riley).**

Mayor Riley informed Council that a resident asked about an Rabies Clinic since the city is under a Rabies Alert. Mayor Riley announced that Kristie Flores and her staff have set up a Rabies Clinic for next month and thanked them for their quick response. Mayor Riley also stated that the same resident asked if the City could sponsor a community shredding event. Mayor Riley suggested that this event could be part of the Earthwise Living Day events and that the shreddings could be used for mulch.

City Secretary Feutz presented information from an informal survey of area shredding service providers for a community document shredding event. She explained that of the two companies that responded, both suggested limiting the project to residents, and limiting each household to about 4 bankers' boxes of documents, which is roughly equal to about 100 pounds. Ms. Feutz stated that the price quote from both vendors was between \$1000 - \$1100 for a three-hour shredding event and that both vendors sell their shreddings to recycling companies.

Discussion followed about having this as possibly a fun event for kids to play and kick around in the shreddings or having the event in conjunction with Earthwise Living Day. Discussion also included liability considerations to the City regarding shredding. Councilmembers also suggested sponsors may want to sponsor this event for the community.

**Discussion on need for City Code changes which will limit time that garbage containers may remain in front of residences (Mayor Riley).**

Mayor Riley stated that she had received a complaint from a resident about the need for limiting the time that garbage containers may remain at the curb and so she asked staff to look into the issue.

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City Secretary Feutz informed Council that there were no specific rules in the City's Code and offered information on rules used by the City of San Antonio which limited putting out refuse at the curb until 6 am of the collection day and picking up refuse containers by 10 pm on collection night. She also reported that City Council had considered this issue in October 1998, but after discussion, Council voted against any formal rules on the issue.

Councilmembers discussed whether the issue was a problem significant enough to warrant formal action, hours that could be used, the challenge of setting a time that will not conflict with late pick-up times by Waste Management, and the importance of neighbors helping each other by helping pick up refuse containers. Councilmembers stated that they did not feel that there was that the issue was not a big enough problem at this time to require formal action.

**City Manager's report (Lambert).**

**A. Financial Report for July 2008**

City Accountant Wallace provided a summary of the revenues and expenditures for July. She reminded Council that sales tax revenue will be credited to Leon Valley until November as part of FY 2008 revenue. She also pointed out that street maintenance sales tax revenue had increased. She noted that fees for Linebarger for collection of court fines was higher than anticipated and fuel costs were higher than budgeted, so staff is carefully watching their budgets as the end of Fiscal Year 2008 draws closer. She also reported that Community and Conference Center rental incomes were higher than last year.

Ms. Wallace also provided a summary of the Trade and Market Day expenses for advertising, labor costs for Public Works support, and income received from booth rentals. Councilmembers asked that the monthly report also reflect the salary for the staff member assigned to work with the Trade and Market Days activities. Mr. Lambert recommended that we ask the auditor for the cost to audit the Trade and Market Days program and he will return to Council with that cost report.

**B. Public Safety Staffing Analysis**

City Manager Lambert stated that the Fire and Police Chiefs have gathered statistics on the public safety staffing in Leon Valley as compared with area cities. He reported that the City of Leon Valley has 1.59 officers/ 1,000 citizens versus City of San Antonio has .86 patrol officers/1,000 citizens. He stated that Balcones Heights has a higher rate of 4.37 patrol officers/1,000 citizens, which is being partially paid for by red light camera revenues. Councilmember Dean asked that a red light camera study be brought back to Council for consideration.

Mr. Lambert also reported that fire suppression statistics indicate that Leon Valley has 2.14 firefighters/1,000 citizens which is about in the middle of the 16 cities surveyed. Mr. Lambert also reported that figures for firefighters assigned to EMS duties, the City of Leon Valley has 6 cross-trained Firefighter/EMS staff members/1,000 citizens which is second from the lowest of the six cities who have such Firefighter/EMS staff members assigned to EMS duties. In closing, Mr. Lambert reported that Leon Valley is about in the middle overall of the 16 cities surveyed with 2.76 Firefighter/ EMS staff members per 1,000 citizens.

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He stated that staff will be working on another analysis based on the number of calls to both public safety departments.

**Citizens to be heard.**

Mayor Riley asked if anyone in the audience wished to address Council. Hearing no one, Mayor Riley asked for announcements from Councilmembers.

**Announcements by Councilmembers and Mayor.**

Councilmember Dean again thanked Mr. Lambert and Chief Wallace for rescuing the two dogs over the weekend.

Councilmember Baldrige thanked staff for the informative statistics provided in the evenings presentations and expressed her appreciation for their work.

Mayor Riley reported attendance at an August 6, 2008 meeting with a prospective developer and about 60 residents to discuss future development at Evers and Huebner Roads. She thanked Council for their participation and staff for their assistance. She informed Council that following the meeting, Council received a petition from residents of Pavona Place in opposition to the development project.

Mayor Riley announced that the Environmental Protection Agency (EPA) representatives had met with the City Manager and staff and the Citizens Advisory Group (CAG) on August 7, 2008. She reported that a well tested near Savings Square Shopping Center indicated significantly higher levels of chemicals from 3 years earlier. She also announced that she would ask for monthly testing of the municipal wells to more closely monitor any changes to the public water supply.

The Mayor also reported that she, and Councilmember Dean, and the City Manager had met with Senator Van De Putte and with Representative Castro to discuss issues that the City is interested in legislative support for: auto sales tax, the EPA and the water plume, hotel/motel tax rules, no toll roads in Leon Valley, and gasoline tax revenue being returned to funding road maintenance and construction.

Mayor Riley announced that a visit to Agropoli, our sister-city, in May 2009 is in the works. She stated that an information meeting will be held on September 11, 2008 at 7 pm in the Library if anyone is interested in going to Agropoli.

She also expressed her concern and best wishes for Helotes' former Mayor Jon Allen, who was in the hospital.

**Consider action on M&C # 08-07-08 - a request to renew the current agreement for Legal Services (City Attorney) with the Law Offices of William M. McKamie, P.C (Law Firm), for a one year period (Lambert).**

Mayor Riley thanked everyone for coming to the meeting and announced that Council would consider the current agreement for Legal Services with the Law Offices of William McKamie, as

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the City Attorney, for another one year period, but first Council would convene into executive session in accordance with the Texas Government Code, Section 551.074, "Personnel Matters" to discuss the evaluation of the current City Attorney Services at 9:50 p.m.

Mayor Riley announced the full Council reconvened into open session at 10:13 p.m.

A motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve the renewal of the current agreement for legal services (City Attorney) with the Law Offices of William M. McKamie, P.D. (Law Firm), for a one year period. Upon unanimous vote, Mayor Riley announced the motion carried.

**Adjourn.**

Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 10:14 p.m.

ATTEST:

Chris Riley  
Mayor

Marie Feutz  
City Secretary

*Approved by unanimous vote of Leon Valley City Council at the Regular City Council Meeting of September 2, 2008.*